

REMARKS

Introduction

An Advisory Action dated September 27, 2004, stated that the amendment would not be entered because it raised new issues that would require further consideration and/or search. An RCE has been filed along with a request to enter the unentered amendment.

Telephone Conference

Additionally, in a telephone conference with the Examiner concerning the status of the case, the Examiner mentioned that he had just become aware of a new prior art reference, namely, U.S. Patent Application Publication No. US 2004/0156984. A copy of that Publication has been obtained and reviewed. Applicant wishes to make the following comments concerning the '984 Publication.

Not all the '984 Disclosure is Prior Art - Applicant's
Priority

Because of Applicant's priority claim, not all of the disclosure in the '984 Publication is prior art to the present Application, and that portion of the '984 Publication that is prior art to the present Application, does not teach or suggest the present Invention.

The '984 Publication is based on Application No. 10/775,010 filed February 9, 2004. The '010 Application is a Continuation of Application No. 10/168,491 filed October 21, 2002. The '491 Application is a Continuation-in-part of two Applications,

(i) International Application No. PCT/EP00/12878
filed December 15, 2000 and

(ii) U.S. Application No. 09/514,437 filed
February 28, 2000.

Applicant has a foreign priority of July 17, 2000 and has filed herewith a Certified English Translation of the Priority Document so as to perfect the priority claim. As can be seen from the claims in the Translation, the

Priority Document supports the Invention. Thus, Applicant has perfected its priority to July 17, 2000. This means that only the disclosure in the '437 Application, filed February 28, 2000 is Prior Art to the present Invention.

The '437 Application was published in Publication No. US 2002/0030882. A review of the '882 Publication shows a lot of disclosure was added to arrive at the '984 Publication. Respectfully, the '882 Publication is the only reference that needs to be removed, see In re Wertheim, 209USPQ 554 (CCPA1981)

The '882 Publication Reflects UV-Light

It can be seen in the '882 Publication that the layer is a UV reflecting interference layer. As shown in Figures 8A through Figure 10, the layer reflects UV light, light in the wavelength region of 280 to 315. In fact, the Abstract of the '882 Publication makes it clear that the layer is anti-reflective with respect to the visible region only. The same is true in the Summary of the Invention where the anti-reflection coating is referred to as being in the region of 400 to 800 nm.

From Figures 8A-10, it is clear that the coating taught in the '882 Application reflects light in the ultra violet region of 280 to 315 nm.

This should be contrasted with the present Invention wherein the layer has a smaller reflectance for both the 280 to 315 nm as well as the 420 to 680 nm wavelengths. In other words, the layer of the present Invention is anti-reflective in the area of ultra violet light. The effect of such of the anti-reflective layer of the present Invention is to prevent ultra violet rays in the wavelength region of 280 to 315 nm from being reflected back into the eye of the user. The '882 Publication teaches specifically that its layer reflects light in this wavelength region of 280 to 315 nm. Clearly, the Invention of the present Application is different than, and patentable over, the teachings in the '882 Publication.

Conclusion

Because the claims of the present Invention define over the teachings of the '882 Publication, Applicant submits that the claims are patentable over the '882 Publication.

In view of the foregoing, the previously-filed Response and the attached Translation, reconsideration and allowance are respectfully requested.

Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Respectfully submitted,

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